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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Pit)	Art Unit: 2651
)	
Serial No.: 10/670,948)	Examiner: Olson
)	
Filed: September 25, 2003)	HSJ920030207US1
)	
For: METHOD AND APPARATUS FOR)	February 15, 2005
DYNAMICALLY ESTABLISHING ROLL STATIC)	750 B STREET, Suite 3120
ATTITUDE IN HARD DISK DRIVE)	San Diego, CA 92101
)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This responds the Office Action dated February 8, 2005 rejecting Claims 1-5, 7, 8, and 10-14 under 35 U.S.C. §102 as being anticipated by Sugimoto, USPN 6,437,948 and rejecting Claims 6 and 9 under 35 U.S.C. §103 as being unpatentable over Sugimoto in view of Kelemen, USPN 6,757,124. The interesting thing about the rejection is that while the present claims are all directed to a roll static attitude (RSA) bias mechanism that, in dependent claims, establishes a zero RSA during read and write operations and a non-zero RSA during ramp load and unload operations, the primary reference nowhere mentions the words "roll", "static", "attitude", or "RSA". Instead, the primary reference is directed to adjusting the fly height of the slider. Fly height is not the same thing as roll static attitude, nor would these two well-understood terms of art be confused by the skilled artisan. It doesn't matter that the examiner "considers" one to be the other, what matters is how the skilled artisan would interpret the claims, please review MPEP §2111.01 (claims

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PATENT
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must be construed as those skilled in the art would construe them). A technical mistake as to the meaning of terms of art does not a *prima facie* case of unpatentability make. With regard to the secondary reference, it too lacks any mention of "roll static attitude", much less establishing a bias for RSA, much less still establishing a zero RSA during a first condition and a non-zero RSA during a second condition as set forth in, e.g., independent Claim 7. The rejections are overcome.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

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